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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,870	05/04/2001	Chung K. Chu	G25-063	1452
7:	590 10/03/2002			
COLEMAN SUDOL SAPONE, P.C.			EXAMINER	
714 COLORAI BRIDGEPORT			LEWIS, PA	TRICK T
			ART UNIT	PAPER NUMBER
			1623	
			DATE MAILED: 10/03/2002	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Office Action Summary	09/849,870	CHU ET AL.			
ome Adden dammary	Examiner	Art Unit			
The MAIL ING DATE of this communication an	Patrick T. Lewis	1623			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Peri df r Reply					
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a rep If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a re ly within the statutory minimum of thirty will apply and will expire SIX (6) MONT e, cause the application to become ABA	ply be timely filed  (30) days will be considered timely.  THS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on					
, <del>_</del>	nis action is non-final.	tors proposition as to the marite is			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disp sition of Claims					
4)⊠ Claim(s) <u>1 and 7-23</u> is/are pending in the app	lication.				
4a) Of the above claim(s) is/are withdra	wn from consideration.				
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) <u>1 and 7-23</u> are subject to restriction a	and/or election requirement.				
Application Papers					
9) The specification is objected to by the Examine	<u></u>				
10) ☐ The drawing(s) filed on is/are: a) ☐ acce	•				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.					
		sapproved by the Examiner.			
If approved, corrected drawings are required in reply to this Office action.					
12) The oath or declaration is objected to by the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120					
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:					
·— ·—					
1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.					
2. Certified copies of the priority documents have been received in Application No					
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).					
<ul> <li>a) ☐ The translation of the foreign language provisional application has been received.</li> <li>15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</li> </ul>					
Attachment(s)					
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449) Paper No(s) _</li> </ol>	5) Notice of In	ummary (PTO-413) Paper No(s) Iformal Patent Application (PTO-152)			

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1 and 7-13, drawn to a pharmaceutical composition comprising an azide derivative of a drug and a suitable pharmaceutical carrier, classified in class 514, subclass 42.
  - II. Claims 14-21, drawn to a method of increasing the half-life of a drug in a subject comprising providing an azide derivative of said drug and administering said azide derivative to a subject, classified in class 514, subclass 42.
  - III. Claims 22-23, drawn to a method for amerliorating a pathological condition in a patient comprising treating the patient with a therapeutically effective azide compound, classified in class 514, subclass 42.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions (I and II) and (I and III) are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case composition of Invention I may be used to practice the invention of either Invention II or Invention III.

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- 3. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are drawn to unrelated methods having different modes of operation.
- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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## **Contacts**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick T. Lewis whose telephone number is 703-305-4043. The examiner can normally be reached on M-F 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 703-308-4624. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

Patrick T. Lewis, PhD Examiner Art Unit 1623

ptl October 1, 2002

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James O. Wilson

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Supervisory Patent Examiner Technology Center 1600